## JURISDICTIONAL DETERMINATION U.S. Army Corps of Engineers

DISTRICT OFFICE: Kansas City District (CENWK)

AmerenUE Permit No. UE-33025-1-D

PROJECT LOCATION INFORMATION: Section 33, Township 41N, Range 17W

State: Missouri County: Morgan

Center coordinates of site (Decidegrees): 92.80767 38.27533

Approximate size of area (parcel) reviewed, including uplands: <0.1 acres

Name of nearest waterway: Lake of the Ozarks

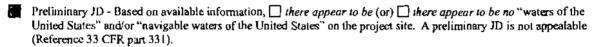
Name of watershed: Osage

## JURISDICTIONAL DETERMINATION

Completed: Desktop determination Site visin(s) Date: 05/17/2007 (AmerenUE permit issued)

Date: 05/17/2007 (Corps only)

## Jurisdictional Determination (JD):



Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

Mathematical There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: ≤0.1 acres.

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: <a href="#color: 128.1">< color: 128.1</a> acres.

■ There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

## BASIS OF JURISDICTIONAL DETERMINATION:

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- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebh and flow of the tide.
  - (2) The presence of interstate waters including interstate wetlands.
- (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
  - (4) Impoundments of waters otherwise defined as waters of the US.
  - (5) The presence of a tributary to a water identified in (1) (4) above,
  - (6) The presence of territorial seas.
  - (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basls of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/ar how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 ar 6) is used as the Basis of Jurisdiction, document the rationale used to moke the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: 1931 LO Navigational Determination.

al Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  I ligh Tide Line ind
lean High Water Mark indicated by:  ] survey to available datum;   ] physical markings;     vegetation lines/ehanges in vegetation types.
/ctland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
For Not Asserting Jurisdiction:  the reviewed area consists entirely of uplands.  nable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  cadquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  the Corps has made a case-specific determination that the following waters present on the site are not Waters of the nitted States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land fo the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
ATEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  aps, plans, plots or plat submitted by or on behalf of the applicant.  ala sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated, prepared by (company):  This office does not concur with the delineation report, dated, prepared by (company):  ata sheets prepared by the Corps.  by any avigable waters' studies:  S. Geological Survey Hydrologic Atlas:  S. Geological Survey 7.5 Minute Topographic maps:  S. Geological Survey 7.5 Minute Historic quadrangles:  S. Geological Survey 15 Minute Historic quadrangles:  SDA Natural Resources Conservation Service Soil Survey:  ational wetlands inventory maps:  ate/Local wetland inventory maps:  ate/Local wetland inventory maps:  ate/Local wetland Elevation is: (NGVD)  crial Photographs (Name & Date):  ther plotographs (Date):

<sup>&</sup>lt;sup>1</sup>Writands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>1</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.